

STATE OF MISSISSIPPI

Office of the Governor



March 25, 2015

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES AND THE MISSISSIPPI SENATE:

GOVERNOR'S SIGNING STATEMENT FOR HOUSE BILL 1536

I am signing House Bill 1536, "AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF FUNDING K-12 AND OTHER RELATED EDUCATIONAL ACTIVITIES, INCLUDING CERTAIN AGENCIES AND PROGRAMS, IN THE STATE OF MISSISSIPPI, FOR THE FISCAL YEAR 2016," despite unnecessary language in one section of the bill with which I disagree and the lack of sufficient funding for the Jobs for Mississippi Graduates program and new special needs programs.

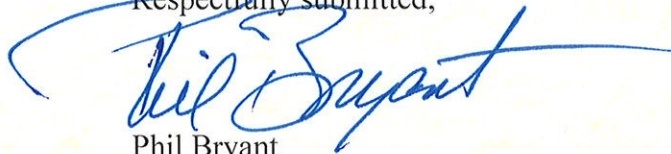
The first sentence of Section 44 of House Bill 1536 references a separate appropriation made to the Department of Mental Health (DMH) "to expand community services" for individuals with mental illnesses and intellectual or developmental disabilities. I fully support that appropriation and intend to sign the DMH appropriations bill. Unfortunately, the remainder of this sentence and similar language in the pending DMH bill could be read to imply that the State of Mississippi is not in compliance with the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 *et seq.*, as interpreted in *Olmstead v. L.C.*, 527 U.S. 581 (1999). In fact, the State is in compliance with the ADA and *Olmstead*. I understand that the United States Department of Justice (DOJ) has suggested otherwise; however, DOJ's expansive interpretation of *Olmstead* not only lacks legal support but also raises serious constitutional questions, and DOJ's factual allegations are unsubstantiated. A lawsuit that DOJ filed against one of our neighboring states based on similar theories and allegations was dismissed by a federal judge as without merit. *United States v. Arkansas*, 794 F. Supp. 2d 935 (E.D. Ark. 2011). In dismissing the lawsuit, the judge noted that DOJ was "in the odd position of asserting that certain persons' rights have been and are being violated while those persons—through their parents and guardians—disagree." *Id.* at 937. The situation in Mississippi appears to be much the same.

House Bill 1536 contains \$1 million for dropout intervention efforts conducted by Jobs for Mississippi Graduates, less than half of the \$2.3 million I proposed in the Fiscal Year 2016 Executive Budget Recommendation. As a result of last year's appropriation, Jobs for Mississippi Graduates added 20 new programs throughout the state and helped more than 5,000 students on the path toward graduation. Additional funding would have allowed Jobs for Mississippi Graduates to reach 100 school sites. With a 90 percent graduation rate and more than an 80 percent success rate 12 months after graduation in securing jobs, college enrollment or a combination, Jobs for Mississippi Graduates has had more success at decreasing high school dropout rates than any other program of its kind in our state.

Finally, House Bill 1536 does not include any funding for Education Scholarship Accounts to implement the Equal Opportunity for Students with Special Needs Act currently before the Legislature. This legislation will empower parents with educational choice to get their special needs children the services they need, but will require at least \$3.25 million to establish the initial pilot program for 500 students.

Nonetheless, I am signing House Bill 1536 because I support the vast majority of the provisions contained in the appropriation, because the superfluous language in Section 44 has no legal significance, and because I anticipate that the Legislature will address needed funding for Jobs for Mississippi Graduates and Education Scholarship Accounts in pending appropriation measures.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Phil Bryant", with a large, sweeping flourish extending to the right.

Phil Bryant
GOVERNOR